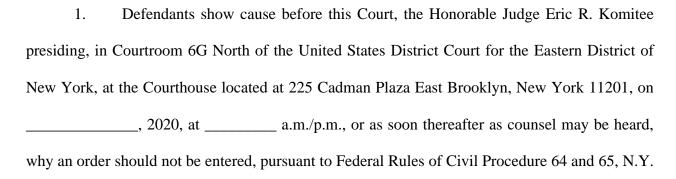
UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORKX	
Gilbert Timsit,	-A
Plaintiff,	Case No.: 20-cv-5446
-against-	
Ztvi Zev Schwartz, 741 Hancock, LLC, 223 Howard, LLC, 37 Covert, LLC, BSD Quincy LLC, McKarkein Investment IDF LLC, McKarkein Capital LLC, and Berkshire Abstract & Title Agency, LLC,	
Defendants.	V
OPDED TO SHOW CAUSE	

## ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINING ORDER

Upon the annexed Memorandum of Law, together with the affidavit of G. Timsit, (the "G. Timsit Aff.") and the exhibits annexed thereto, and the declaration of Joshua Levin-Epstein, Esq., (the "Epstein Decl.") and the exhibits annexed thereto, in Support of the Order to Show Cause of Gilbert Timsit (the "Plaintiff") against the Defendants<sup>1</sup> in the above-captioned action, and all pleadings and proceedings heretofore had herein, it is hereby ORDERED that:



<sup>&</sup>lt;sup>1</sup> Defendant Ztvi "Zev" Schwartz ("Schwartz"), Defendant 741 Hancock, LLC ("Hancock LLC"), Defendant 223 Howard, LLC ("Howard LLC"), Defendant 37 Covert, LLC ("Covert LLC"), Defendant BSP Quincy LLC ("BSP Quincy"), Defendant McKarkein IDF LLC ("McKarkein IDF"), and Defendant McKarkein Capital LLC ("McKarkein Capital"), are collectively referred to herein as the "McKarkein Defendants") and Defendant Berkshire Abstract & Title Agency, LLC ("Berkshire") together with the McKarkein Defendants, are collectively referred to herein as the "Defendants".

Civil Practice Law & Rules §§ 6201 and 6301, and this Court's inherent equitable power to issue

provisional remedies ancillary to its authority to provide final equitable relief;

(i) attaching the funds in the amount of \$1.3 million Plaintiff wired to the bank account

of Berkshire, that Berkshire, Schwartz, and McKarkein IDF have improperly failed

to release and refund; or in the alternative

(ii) enjoining and restraining Defendants from using, distributing, removing,

transferring, pledging or otherwise disposing of funds they received from Plaintiff

or any assets, including real property directly or indirectly owned by the McKarkein

Defendants, to which these funds were applied, until further ordered by this Court;

and

(iii) enjoining and restraining Defendants from knowingly instructing any other person

or business entity to engage in any of the activities referred to in subparagraph 1(i)-

(ii) above.

2. Let service of a copy of this Order to Show Cause, together with the papers upon

which it is based, be accomplished by delivering these papers by overnight mail to Defendants, by

on or before \_\_\_\_\_\_, 2020, and that be deemed good and sufficient service.

3. Opposition papers, if any, from Defendants, must be electronically filed with the

Dated: Brooklyn, New York

\_\_\_\_\_\_, 2020

The Honorable Eric R. Komitee United States District Judge